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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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03/24/2000

Hiroshi Utsunomiya

61049

1969

7590

09/19/2005

Cooper & Dunham LLP
1185 Avenue of Americas
New York, NY 10036

EXAMINER

HOYE, MICHAEL W

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/534,178

Applicant(s)

UTSUNOMIYA ET AL.

Examiner

Michael W. Hoye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicants' arguments filed on July 11, 2005 have been fully considered but they are not persuasive.

Regarding amended independent claims 1, 7 and 12, the Applicants argue that, "neither of the cited references show or suggest the feature of the present invention wherein the type of the audio and/or video signal transmitting apparatus and the format type of the output video signal are indicated by predetermined characters."

In response, the Examiner respectfully disagrees with the Applicants because the Goldschmidt Iki et al. reference clearly discloses that the type of the audio and/or video signal transmitting apparatus and the format type of the output video signal are indicated by predetermined characters as met by the EPG and program selection controller 208, which may display options in a separate box or window on the display device, overlaying the current video display with the options, etc. In addition, in one implementation, all the characteristics for each version or source may be displayed, such as the predetermined characters including "ANALOG BROADCAST", "DIGITAL CABLE", "DVD", "STEREO", "DOLBY PRO LOGIC" and "THX; DOLBY AC3", as shown in the EPG table of Fig. 4, which describe the type of audio and/or video source or signal transmitting apparatus (i.e. "DVD") and the format type of the output video signal (i.e. "ANALOG" or "DIGITAL") (see col. 6, line 66 – col. 7, line 11 and col. 7, line 29 – col. 8, line 3).

In addition to, regarding amended independent claim 7, in response to Applicants' argument that the references fail to show certain features of Applicants' invention, it is noted that the feature upon which Applicants rely (i.e., wherein the type of the audio and/or video signal transmitting apparatus and the format type of the output video signal are indicated by predetermined characters) is not recited in the rejected claim. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldschmidt Iki et al (USPN 6,594,825), in view of Chernock et al (USPN 6,314,569).

With respect to claims 1, 7, and 12, note the Goldschmidt Iki et al reference which discloses the claimed audio and/or video signal transmitting system with a plurality of audio and/or video signal transmitting apparatuses with a plurality of analog outputs and a plurality of digital input/output means is met as seen in Fig. 1. Although not explicitly shown, it is inherent that transmitters are provided to supply the satellite input 126 and other inputs 124, 128, 134. The transmitting apparatuses provide signals indicating signal format and outputting it to the receiver as seen in Fig. 4 via a received EPG indicating a transport medium / format at 404 and

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alternatively an audio format at 406. The system 100 contains various devices such as television display device 102, CD player 112, etc for receiving analog and digital data (col. 4:36-54) forming a display signal for television 102. Video characteristics are stored including indicators of signal format from various inputs (Fig. 4, items 404, 406, see col. 7, line 40 – col. 8, line 7). Controller 200 (which includes controller 208) is operative as means to provide an overlay of these characteristics to facilitate user selection (col. 7:2-11). The Goldschmidt Iki et al. reference also clearly discloses that the type of the audio and/or video signal transmitting apparatus and the format type of the output video signal are indicated by predetermined characters as met by the EPG and program selection controller 208, which may display options in a separate box or window on the display device, overlaying (or superimposing) the current video display with the options, etc. In addition, in one implementation, all the characteristics for each version or source may be displayed, such as the predetermined characters including “ANALOG BROADCAST”, “DIGITAL CABLE”, “DVD”, “STEREO”, “DOLBY PRO LOGIC” and “THX; DOLBY AC3”, as shown in the EPG table of Fig. 4, which describe the type of audio and/or video source or signal transmitting apparatus (i.e. “DVD”) and the format type of the output video signal (i.e. “ANALOG” or “DIGITAL”) (see col. 6, line 66 – col. 7, line 11 and col. 7, line 29 – col. 8, line 3). Although the Goldschmidt Iki et al reference does not explicitly disclose multiplexing the digital information signal onto a digital source signal, and separating out (or demultiplexing) the digital information signal from the digital audio and/or video signal and then processing that digital information signal to provide an superimposed image signal (or overlay) on the corresponding digital video signal that is being displayed, it is well known in the art of interactive video distribution systems that digital information signal(s)

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and digital source signal(s) are multiplexed onto a digital source signal for transmission to a receiver where the signals are demultiplexed and processed accordingly, as disclosed and taught by the Chernock et al reference in col. 4, lines 41-55. Therefore, it would have been obvious to one of ordinary skill in the art at the time on the invention to have combined the teachings of the Goldschmidt Iki et al reference with the Chernock et al reference for the advantage of combining or multiplexing a digital information signal onto a digital source signal in order to reduce bandwidth of the transmitted signal. One of ordinary skill in the art would have been led to make such a modification since digital multiplexing is well known in the art, especially through the use of the MPEG-2 standard for compression and multiplexing.

With respect to claims 2, 8, and 13, the claimed use of a predetermined code in a comparison table is seen with the EPG shown in Fig. 4 as a table and including "codes" as indicators of a signal format such as "analog broadcast," "digital cable," "stereo," "Dolby pro logic," etc.

With respect to claims 3-4, 9-10, and 14-16, Goldschmidt Iki does not teach use of a predetermined bit map logo to indicate the format. However, the Chernock et al reference as previously combined with the Goldschmidt Iki et al reference above, further discloses that bitmaps may be used for may text and graphics objects, such as logos, that may be used for on-screen displays (OSD) or used as a graphics overlay with video content (see col. 5, lines 44-55). Therefore, it would have been obvious to one skilled in the art at the time of the invention to have further modified Goldschmidt Iki et al by using bit map logos in order to provider users with a readily understood, aesthetically pleasing display that provides for easy program selection as taught by the Chernock et al reference.

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With respect to claim 5, the claimed superimposing at the receiving side is met as noted above in response to claim 1. Furthermore, the claimed window synthesizing using a plurality of windows is met by overlaying characteristics and use of separate windows on a display (col. 7:2-11).

With respect to claims 6, 11, and 17, the claimed use of IEEE 1394 formats is met by use of an IEEE 1394 bus and standards as taught in col. 3:38-43.

With respect to claim 16, the claimed window synthesizing using a plurality of windows is met by overlaying characteristics and use of separate windows on a display (col. 7:2-11). Goldschmidt Iki does not teach superimposing for each signal the format at the transmitting side. The Examiner takes Official Notice that it was well known in the art at the time of the invention to indicate superimpose data at a transmitting end. It would have been obvious for one skilled in the art at the time of the invention to superimpose the format of a signal at the transmitting end in order to simplify receiver side equipment and reduce direct costs to consumers.

Conclusion

The prior art made of record and not relied upon is considered pertinent to Applicants' disclosure.

Humpleman (USPN 5,579,308 A) – Discloses a direct circuit crossbar to set-top electronics where various multimedia devices and their respective audio/video formats may be displayed to a user.

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Humpleman (USPN 5,940,387 A) – Discloses a television display that may show various types of information for multimedia devices and their respective audio/video formats that may be displayed to a user.

Humpleman, et al. (WO 98/59282) – Discloses various video display formats including the use of menu selections, icons, etc. superimposed on a display for a user to select a transmission/multimedia source.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoye whose telephone number is **571-272-7346**.

The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at **571-272-7353**.

Any response to this action should be mailed to:

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Or faxed to: 571-273-8300

Hand-delivered responses should be brought to the Customer Service Window at the address listed above.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **571-272-2600**.

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Michael W. Hoye
September 12, 2005

Jason Salce
Art Unit 2614
Jason Salce
9-15-05